

Testimony of  
The Honorable David Cook

On behalf of  
Public Lands Council  
National Cattlemen's Beef Association  
Arizona Cattle Growers Association

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House Natural Resources Subcommittee on Oversight and Investigations

Chairman Labrador, Ranking Member McEachin, members of the Committee; thank you for the invitation to testify before your committee today.

My name is David Cook I am a rancher from Globe, Arizona and serve the people of Legislative District 8 in the Arizona House of Representatives. My wife Diana and I own and operate DC Cattle Company along with our two children, and we are partners in several other ranches in Gila County. Gila County covers approximately 4,800 square miles and contains less than 5% private deeded land. Over 55 percent is county is managed by the Tonto National Forest, with the remainder made up of two indian reservations at 37% and the Bureau of Land Management at 7.5%. All of the ranches we operate must utilize a federal grazing permit with the Tonto National forest to remain economically viable.

I provide these facts to give you an idea of why federal laws like the Federal Land Policy and Management Act (FLPMA) and the Wilderness Act have such a large impact on our community. The first, FLPMA, governs nearly all of our interactions with the federal land use planning process and often serves to limit our voice as a primary impacted stakeholder. Further, special land designations on lands that are already federally owned and subject to management decisions by the federal government, like Wilderness designations, only create more burdens for federal agencies and typically serve to erode true multiple use in favor of a "hands off" approach. This failure of responsible management often leads to dire consequences for our region – economically, ecologically, and culturally.

Gila County is rural Arizona, and more specifically, is representative of the rural west, where local government and economic drivers like ranching often have their voices and input diminished in federal planning processes. I do not believe it was the intent of Congress to disenfranchise communities like mine when laws like FLPMA and the Wilderness Act were originally enacted, but that is certainly where we have ended up. The burden of compliance with these processes – not to mention the struggle to have our voice as a stakeholder heard and respected – has become the dominate consumer of time and resources for anyone or any entity interacting with federally managed lands. These federal lands stifle the ability to have taxable income which hurts our economy and our schools. So while I am going to give specifics about my ranching operations I must stress that the decisions made here in DC are hindering my community from moving forward and force us to plead with the federal government for money for schools, infrastructure, and other basic needs we could provide ourselves if our local lands were productive and vibrant.

Under FLPMA, the Secretary has the ability to issue 10 year grazing permits if agency personnel finds it satisfactory and appropriate for said lands. Livestock grazing has been around for centuries and over that time ranching families have invested a great deal of time and financial resources to become more efficient and productive while enhancing the landscapes they live and work on. At the same time the United State Forest Service (USFS) and Bureau of Land Management (BLM) have failed to recognize these achievements as we have seen a steady decline in animal units on public lands since the inception of polices like the Federal Lands Policy and Management Act. Personally, our permit has been in review by the Tonto National Forest and awaiting a standard renewal for over 15 years. This is evidence of a broken system that leaves my business and family in a perpetual state of uncertainty. Additionally, this burden has prevented me from making necessary improvements and investments in these lands to become more efficient and have the opportunity to create a more lucrative business – benefits that could be realized by my family, as well as the community and our federal government landlords.

As already mentioned, for 15 years I have been held hostage by the federal process to renew a permit for over 1,129 head of cattle, and I am only one of the thousands of permittees across the west that face similar issues. If not for the relief provided by portions of the Grazing Improvement Act passed as part of the FY 2015 NDAA, which provides for continuous operation of our permit while we wait in limbo hoping for an eventual renewal, our ranch and many others would be pushed to the breaking point by uncertainty. I can assure you that the hold up on our renewal is not due to lack of time or resources. Other permits have moved through the process and while USFS still has made time to monitor where I have placed my salt blocks for the cattle and issue notices of violation for feeding hay inside a corral, they cannot find the time to complete the necessary work to renew my permit.

The original intent of this legislation was to provide direction for the management of our public lands which would emphasize and protect the mandate for multiple use and sustained yield. Unfortunately and unintentionally, the delegation of authority from Congress to the land management agencies and the unchecked authority over land use planning that has resulted has been abused by administrators and capitalized on by radical environmental groups through relentless offensive litigation. This has led to further restrictions on public lands, specifically for permitted activities, thereby eroding the intent of multiple use. Furthermore, the intent to cooperate and consult with local governments has not been properly used and has instead served to de-prioritize crucial local government input and consideration in the planning process.

One example was the so-called "Salt River Six," which was comprised of six forest service allotments along the Salt River that needed permit renewals. USFS consulted with several other federal agencies during a four-year process but would not consult with Gila County about potential impacts to their general plan. After more than four years of meetings, time, and resources USFS scrapped the project and started asking permittees to disregard any of the previous years. At present, the situation remains unresolved and six separate ranching operations remain in limbo about the future of their business and no certainty that they will continue to operate. The economic impacts of this uncertainty on a rural economy are devastating.

When wilderness areas are designated, it limits the use of all natural resources within that area, which further reduces the economic potential of rural areas and counties. Industries such as cattle grazing see a

significant reduction in their ability to maintain the infrastructure in which they need to operate their ranching businesses.

In Gila County, our local ranchers have been trying to work with the U.S. Forest Service (USFS) to prevent the closure of a 10-mile segment of Forest Road 203. This roadway provides the only motorized access to several privately owned and occupied homesteads. It is also a public roadway used by law enforcement, hunters, hikers, as well as livestock grazing permittees and families who reside in the surrounding Young and Globe communities. The closure of any stretch of this road would be devastating. While the Forest Service acknowledges the severe impacts that the proposed closure would create for this area, they are unable to stop the closure from taking place. Unfortunately, it has been discovered that the previously designated Sierra Ancha Wilderness Area encompasses the 10-mile stretch of Forest Road 203 and they are legally required to decommission the road to comply with the Wilderness Act.

Wilderness designations have severely limited the ability to properly maintain and enhance any ranch improvements despite the original intentions of the legislation to not interfere with these activities. In the Superstition wilderness area, the Rafter Cross Ranch was in the process of constructing a pasture division fence on the boundary of the wilderness adjacent to a USFS road. The plan was to use an air driven T-post driver and have the air compressor unit on the road 20 feet from the wilderness. Because this was a mechanical tool, the USFS would not allow its use. This decision cost the ranch money in labor and additional time to construct the fence. These types of decisions continue to make it more difficult to operate in or near wilderness designations. There are several allotments in the Tonto National Forest that are vacant because the hardships, additional cost, and regulation of a wilderness area cause the land to be unusable by a productive use.

In conclusion, overly burdensome regulations continue to be detrimental to the management and health of our public lands. It is imperative that Congress act to remove the layers of red tape that continue to bind ranchers and the rural communities they live in. The planning and management of our federal lands for multiple use and sustained yield should be a collaborative one – with local communities and stakeholders like federal grazing permittees playing a key role, rather than simply being subject to the whims of an overwhelmed bureaucracy. Additionally, as an elected Representative to the Arizona State Legislature, I can attest that these burdensome laws extend far beyond the local businesses and communities I'm representing here today. In fact they impact everything we do in a state like Arizona, from industry, to tourism, to simply bringing necessary services like electricity to our rural citizens.

Thank you for this opportunity, and I look forward to working with you to find a solution to this problem.